

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 25, 1865.

Read twice and referred to the Committee on the District of Columbia.

AN ACT

To incorporate the Harmony Cemetery Company, (of colored persons), in the District of Columbia.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That David Fisher, William Slade, Benjamin M. McCoy,
4 William Lomax, Theodore Bowen, and Charles Datcher, to-
5 gether with such other persons of color as may become pro-
6 prietors of lots in the hereinafter mentioned cemetery, of a
7 size not less each than two hundred square feet, and their suc-
8 cessors and assigns, be, and they are made hereby, a body
9 politic and corporate in law, under the name, style, and title
10 of the Harmony Cemetery Company, and by that name shall
11 be able and capable in law to have and use a common
12 seal, to sue and be sued, to plead and be impleaded.

1 SEC. 2. *And be it further enacted,* That the said David
2 Fisher, William Slade, Benjamin M. McCoy, William Lomax,
3 Theodore Bowen, and Charles Datcher shall be managers,

4 of the said corporation, and shall continue so to be until the
5 first Monday in June, in the year eighteen hundred and
6 sixty-six, on which day, and on the same day in every suc-
7 ceeding year thereafter, there shall be a general meeting
8 of the proprietors of lots in the said cemetery, who are mem-
9 bers of the said corporation, of whom twenty, appearing in
10 person or by proxy, shall form a quorum to transact business,
11 and at such meeting on that day, in each and every year, the
12 said proprietors of lots, each being entitled to one vote and
13 no more, shall elect six persons from among their own num-
14 ber to be managers of the said corporation for one year from
15 the day of their election, and until other managers shall be
16 duly elected in their place; and if there shall, from any cause
17 whatever, be a failure on the part of the proprietors of lots to
18 make such election on any of the days aforesaid, the mana-
19 gers holding over shall appoint some other time for the pro-
20 prietors of lots to meet and make such election, and shall give
21 at least twenty days' previous notice of the time and place so
22 appointed by an advertisement in some newspaper published
23 in the city of Washington, and the managers then elected
24 shall serve until the recurrence of the regular election, and
25 until others have been elected in their places; and in the
26 event of any vacancy in the board of managers by death,
27 resignation, removal from the county, or otherwise, the con-
28 tinuing members of the said board shall have power to

29 choose, from among the proprietors of lots in the said ceme-
30 tery, a manager to fill such vacancy, and the person so
31 chosen shall have power to act in the premises in connexion
32 with the continuing managers in every respect as if he had
33 been appointed to the said office by this act, or elected to the
34 same by the proprietors of lots at a general meeting; and a
35 majority of the said board of managers shall form a quorum
36 to do all business.

1 SEC. 3. *And be it further enacted,* That the said corpora-
2 tion may acquire, take, and hold, in fee simple, by gift or
3 grant, the tract of land lying in Washington county, without
4 the corporate limits of Washington city, now occupied and
5 used as a burial ground by the Columbian Harmony Society
6 Association of Washington, and land adjoining the same, not
7 to exceed in the whole twenty acres, and may take and hold
8 any personal estate, not exceeding ten thousand dollars in
9 value, which said land and personal estate shall be devoted
10 and applied to purposes connected with and appropriate to the
11 objects of a cemetery or burial place, the establishing, main-
12 taining, and improving of which is hereby declared to be the
13 only object for which the said corporation is created.

1 SEC. 4. *And be it further enacted,* That the said board
2 of managers shall choose one of their own body to be presi-
3 dent thereof, who shall also be president of the said corpora-
4 tion. They shall have power to appoint all officers and agents

5 necessary for the due and regular transaction of the business
6 of said institution, to assign to them, severally, their duties,
7 to fix their compensation, and to require, if deemed expedient,
8 of any of the said officers, a bond, with approved security,
9 for the faithful performance of their duties. They shall have
10 power to lay out and ornament the cemetery grounds; to
11 erect all necessary enclosures and buildings; to lay out, sell,
12 and dispose of burial lots; to make such by-laws, rules and
13 regulations as they may deem proper for conducting the
14 affairs of said cemetery, for the government of lot holders
15 and visitors to the cemetery, and for the sale and conveyance
16 of lots in the said cemetery by individual proprietors, and in
17 general they shall have the management, superintendence,
18 and care of the property, expenditures, and prudential con-
19 cerns of the said corporation, and they shall make a report of
20 the same to the said corporation at each annual meeting of
21 the proprietors of lots.

1 SEC. 5. *And be it further enacted,* That special meet-
2 ings of the members of the said corporation for the transac-
3 tion of business may be called by the board of managers, or
4 by five of such members, by advertisement to be inserted in
5 some newspaper published in the city of Washington, two
6 weeks before the day appointed for such meeting, in which
7 shall be set forth the time, place, and object of such meeting.

1 SEC. 6. *And be it further enacted,* That every lot con

veyed in said cemetery shall be held by the proprietor thereof for the purpose of sepulture only, and for no other purpose, and shall be deemed real estate, and shall not be subject to the payment of any assessment or tax whatever, nor subject to execution or attachment for any debt, and the proceeds of the sale of burial lots in said cemetery shall, after deducting the annual expenses of the cemetery establishment, be applied solely to the improvement, extension, ornament, and preservation of the said cemetery establishment, and shall not be made a source of profit to the proprietors of lots or members of said corporation.

SEC. 7. *And be it further enacted,* That any person who shall unlawfully destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, or other structure placed in the said cemetery, or any fence, railing, or other work for the protection or ornament of any tomb, monument, gravestone, or other structure aforesaid, or of any cemetery lot within the limits of the ground belonging to the said corporation, or of the ground set apart for the cemetery, or shall unlawfully destroy, break, remove, cut, or injure any tree, shrub, or plant within the limits of said cemetery, or shall shoot or discharge any gun or other firearm within the said limits, or at any object within the same, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof before any justice of the peace or other court of competent

15 jurisdiction within Washington county aforesaid, be punished
16 by a fine of not less than five dollars or more than fifty, according
17 to the nature and aggravation of the offence ; and such offender
18 shall also be liable to an action of trespass, to be brought
19 against him in any court of competent jurisdiction, in the
20 name of the said corporation, to pay all such damages as
21 shall have been occasioned by his unlawful acts, which money,
22 when recovered, shall be applied, under the direction of the
23 board of managers, to the reparation and restoration of the
24 property destroyed or injured as above, and the members of
25 the said corporation shall be witnesses in such suit ; and if
26 any person shall unlawfully open any tomb or grave in the
27 lands of the said Harmony Cemetery Company, or shall clandestinely
28 remove or attempt to remove any body or remains
29 therefrom, such person, on conviction thereof in any court of
30 competent jurisdiction within the county where the said cemetery
31 is situated, shall be sentenced to undergo imprisonment
32 in the penitentiary of the District of Columbia, at hard labor,
33 for a term of not less than one year, nor more than five, and
34 to pay a fine of not less than one hundred dollars, at the discretion
35 of said court.

1 SEC. 8. *And be it further enacted,* That the lots in the
2 said cemetery shall be indivisible, and upon the death of any
3 proprietor of any lot in the said cemetery, he or she being a
4 member of said corporation, the devisee of such, or the heir

5 at law, as the case may be, shall be entitled to all the privi-
6 leges of membership aforesaid; and if there be more than one
7 devisee or heir at law of each lot, the board of managers for
8 the time being shall designate which of the devisees or heirs
9 at law shall represent the said lot and vote in the meetings of
10 the corporation, which designation shall continue in force
11 until by death, resignation, or other sufficient cause, another
12 designation shall become necessary, and in making such des-
13 ignation, the managers shall, as far as they conveniently may,
14 give the preference to males over females, and to proximity
15 of blood and priority of age, having due regard, however, to
16 proximity of residence.

1 SEC. 9. *And be it further enacted,* That it shall be
2 lawful for the said corporation to take and hold any grant,
3 donation, or bequest upon trust, to apply the income thereof,
4 under the direction of the board of managers, for the embel-
5 lishment, preservation, renewal, or repair of any tomb, grave-
6 stone, or other structure, fence-railing, or other enclosure, in
7 or around any cemetery lot, or for the planting and cultiva-
8 tion of any trees, shrubs, flowers, or plants, in and around
9 any cemetery lot, according to the terms of such grant,
10 donation, or bequest; and any court having equity ju-
11 risdiction within the county in which the said cemetery is
12 situated shall have full power and jurisdiction to compel the
13 due performance of such trust or any of them upon a bill filed

14 by the proprietor of any lot in the said cemetery for that
15 purpose.

1 SEC. 10. *And be it further enacted*, That the said cem-
2 etery property shall be, and the same is hereby, declared to
3 forever be inalienable by the said corporation, and to be ex-
4 empted from all public assessments and taxes as long as the
5 same shall remain dedicated to the purposes of a cemetery.

Passed the House of Representatives February 24, 1865.

Attest:

EDWARD McPHERSON, *Clerk.*